

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHANEL, INC.,

Plaintiff,

vs.

CALE OROSZ, *et al.*,

Defendants.

2:15-cv-02428-GMN-VCF

ORDER

Before the court is the Plaintiff Chanel, Inc.'s Motion for an Order Authorizing Service of Summons and Complaint Upon Defendant by Publication and Order Granting Plaintiff Additional Time to Serve the Defendant. (#6).

Plaintiff filed its complaint on December 18, 2015, against Defendant Cale Orosz a/k/a Cale Ross Orosz a/k/a Cale Matthews d/b/a designfuzz.com d/b/a @DesignFuzzCom d/b/a design fuzz d/b/a Ecello Electronics, LLC d/b/a Ecello Electronics (hereafter "Defendant"). (#1). Summons issued to Defendant on December 21, 2015. (#5). On March 7, 2016, plaintiff filed the instant motion for service by publication and extension of time to serve Defendant (#6).

Plaintiff asks this court to permit service of the summons and complaint on Defendant by publication. *Id.* Plaintiff also asks this court to extend the time in which to effectuate service under Federal Rule of Civil Procedure 4(m). *Id.*

Service By Publication

Pursuant to Fed. R. Civ. P. 4(e)(1), "an individual – other than a minor, an incompetent person, or a person whose waiver had been filed – may be served in a judicial district of the United States by following state law for serving a summons in an action brought in courts of general jurisdiction in the state

1 where the district court is located or where service is made.” Under Rule 4(e)(1) of the Nevada Rules of
2 Civil Procedure, “when the person on whom service is to be made resides out of the state, or has departed
3 from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid
4 the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge
5 thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action
6 exists against the defendant in respect to whom the service is to be made, and that the defendant is a
7 necessary or proper party to the action, such court or judge may grant an order that the service be made
8 by the publication of summons.”

9 Plaintiff asserts that the after diligent effort, Plaintiff is unable to serve the Defendant within the
10 State of Nevada. (#6). In support of this assertion, plaintiff provided the court with affidavits of attempted
11 services (see #6-2 and #6-3). Plaintiff asserts that the last known address for Defendant are 3663 South
12 Valley View Boulevard, Apt. 321, Las Vegas, Nevada 89103-1824, 4080 Paradise Road, Apt. 15295, Las
13 Vegas, Nevada 89169. *Id.*

14 The court finds that pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1), permitting
15 service by publication of the summons and the complaint on the Defendant is warranted. Pursuant to Rule
16 4(e)(1)(iii), the publication must be made in a newspaper, published in the State of Nevada, for a period
17 of 4 weeks, and at least once a week during said time. Nev. R. Civ. P. 4(e)(1)(iii).

18 Extension For Service

19 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
20 If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
21 must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

22 Here, Plaintiff must effectuate service on Defendant by March 17, 2016. (#1). Plaintiff asserts
23 that an additional 90 days is required to effect service by publication. *Id.* As plaintiff has demonstrated
24 “good cause” for its failure to effectuate service and provided support for its request for an extension, the
25 court will extend the 4(m) deadline for 60 days or until May 17, 2016. *See* Fed. R. Civ. P. 4(m).

1 Accordingly, and for good cause shown,

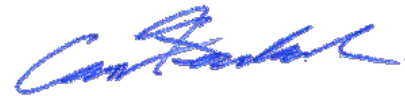
2 IT IS ORDERED that Plaintiff Chanel, Inc.'s Motion for an Order Authorizing Service of
3 Summons and Complaint Upon Defendant by Publication and Order Granting Plaintiff Additional Time
4 to Serve the Defendant. (#6) is GRANTED.

5 IT IS THEREFORE ORDERED that plaintiff is permitted to serve the Defendant by publication
6 with a copy of the summons and complaint to be mailed to the defendant at its last known address by
7 certified U.S. Mail, return receipt requested.

8 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1)(i)
9 and (iii), the summons in this action shall be served by publication in a newspaper, published in the State
10 of Nevada, for a period of four weeks and at least once a week during that time.

11 IT IS FURTHER ORDERED that the deadline to effect service of process shall be extended for
12 60 days, up to and including May 17, 2016.

13 DATED this 15th day of March, 2016.

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16 CAM FERENBACH
17 UNITED STATES MAGISTRATE JUDGE
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